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2-6-23

Pro Se 9 (Rev. 12/16) Complaint to Require Performance of a Contract to Convey Real Property

UNITED STATES DISTRICT COURT

for the

District of Montana

Great Falls Division

Case No.

CV-23-07-GF-BMM

(to be filled in by the Clerk's Office)

Kenneth J Flynn

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Holly and Mark Mokorech / Mark Mokorech Irrevocable Trust  
Colum T Christman / Christman, Sampson & Baskett PLLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT TO REQUIRE PERFORMANCE  
OF A CONTRACT TO CONVEY REAL PROPERTY

(C.F.R. § 1300, Property of Ownership)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Kenneth J Flynn</u>
Street Address	<u>615 1st AVE PO Box 232</u>
City and County	<u>Goldfield Hill County</u>
State and Zip Code	<u>Montana</u>
Telephone Number	<u>202-714-3428</u>
E-mail Address	<u>Shrekuk Store 404 @ gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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## Defendant No. 2

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

Calvin T Christman

Att CS + B PLLC

310 West Spruce

Missoula, Missoula County

Montana 59802

406-721-7772

CTC @ CSJ Law, Com

## Defendant No. 2 is a Corporation in Montana (Missoula)

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

Christian Sampson + Baskett PLLC  
Law Firm

310 West Spruce

Missoula, Missoula

Montana

406-721-7772

CSB @ CSB Law Office, Com

## Defendant No. 3

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

Mark and Holly Mahoresch

~~Mark and Holly Mahoresch~~ Business partners

PO Box 7247

Missoula, Missoula County

Montana

406-728-8672

## Defendant No. 4

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

Mark Mahoresch Irrevocable Trust

Holly Mahoresch Trustee

Montana Corp MSIA MT

Montana 59802

## Pro Se 9 (Rev. 12/16) Complaint to Require Performance of a Contract to Convey Real Property

## II. Basis for Jurisdiction

*All Defendants are residents of Montana*

~~Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State is a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met:~~

## A. The Plaintiff(s)

## 1. If the plaintiff is an individual

The plaintiff, (name) Kenneth J Flynn, is a citizen of the  
State of (name) Montana

## 2. If the plaintiff is a corporation

The plaintiff, (name) Sherlock Storage LLC, is incorporated  
under the laws of the State of (name) Montana, and  
has its principal place of business in the State of (name) \_\_\_\_\_

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

## B. The Defendant(s)

## 1. If the defendant is an individual

The defendant, (name) Holly M Mahorach Trustee, is a citizen of the  
State of (name) Montana. Or is a citizen of (foreign nation) \_\_\_\_\_

## 2. If the defendant is a corporation

The defendant, (name) Mark Mahorach Irrevocable Trust, is incorporated under  
the laws of the State of (name) Montana, and has its principal  
place of business in the State of (name) Montana.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_  
and has its principal place of business in (name) \_\_\_\_\_

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

## C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is

~~\$75,000, the amount in controversy is \$75,000.~~  
 Holly and Mark Mohorovich personally loaned to plaintiff \$149,131.19. They withheld \$67,000 IRS payment for back Taxes + Abatement from Interest Loan Dated 10/24/15. On 11/19/15 the Mark Mohorovich Irrevocable Trust paid the ~~entire~~ \$149,131.19 off with a master loan of \$65,000. IRS demands \$6,000 Interest, Repayment of \$67,000 is due. \$5,000 down No principal reduction. Approx \$5,000 over payments total \$233,000.

## III. Statement of Claim

- A. Describe the real property owned by the defendant(s) that is the subject of this complaint. Include the address or location of the property.

plaintiff owns Sherlock Storage LLC Located at 2403 Industry Rd  
 Defendants returned the property with a false amount of loan  
 $65,000 - 67,000 = \$583,000$ .

- B. Describe the terms of the contract you entered into with the defendant(s) to purchase the real property at issue. Attach the contract as an exhibit.

1. When did you enter into the contract with the defendant(s)?

10/24/15 149,131.19 Replaced by a loan on 11/19/15 \$65,000

2. What is the ~~purchase price~~ <sup>Loan Amount</sup> you agreed to pay?

Loan Amount \$65,000

3. Describe your obligations under the contract. Include any terms regarding required deposits.

Monthly payments of 4700 Balloon was 4-5-22  
 plaintiff Refused to pay loan off without addressing the  
 \$67,000 IRS payment withheld and damages, They foreclosed  
 plaintiff Filed Bankruptcy

4. Describe the defendant(s)' obligations under the contract, ~~including obligations to~~ real property at issue.

Service the Loan honestly with Integrity as a Mtb  
 Broker ~~the~~ payments made to Fidelity Mutual Title  
 (Formerly Stewart Title) false claims of missing payments in

2016,

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- C. Describe when and how you complied with, or attempted to comply with, all of your obligations under the contract, including payment of the ~~purchase price~~ <sup>loan amount</sup>. If you have not complied with all of your obligations under the contract, explain how you are ready and able to comply with those obligations.
- plaintiff withheld payments from 2/1/22 until Balloon payment ~~on 4-5-22~~, Refused to pay off loan until the Lien holder Mark Mohrloch Irrevocable Trust, Holly Mohrloch Trustee agreed to refund the \$67,000, withhold IRS payment ~~Address no principal reductions approx \$50,000 and over payments based on a false loan amount \$553,000 Note \$570,000 also pay the Interest due to IRS \$14,000. Over payments Amount approx \$50,000 - \$233,000 w/o Int~~
- D. Describe when and how you requested that the defendant(s) convey the real property at issue and when and how the defendant(s) refused to do so. Attach copies of any correspondence with the defendant(s).

plaintiff was ignored when he proposed Settlement. The answer to the proposal was foreclosure, Non Judicial, Research exposed the Mohrloch Irrevocable Trust was not registered with the Montana Secretary of State to do business in Montana when plaintiff exposed this fact to Montana King the attorney for Mohrloch the Claim is need in a nonjudicial foreclosure

## IV. Relief

What is your requested form of relief? (check all that apply)



Specific performance of the contract. (Explain why specific performance is the only adequate remedy and why damages would not suffice.)



Damages sustained as a result of the defendant(s)' refusal to ~~comply with the contract~~ <sup>Settle the Loan Amount</sup>. (Describe the damages you are requesting.)

as above plaintiff has damages, when Mohrloch withheld the \$67,000 IRS payment for abatement from Interest, the Interest is now \$64,000, due to the withheld funds the payments were to high approx \$50,000 (7 yrs 6-800 per mo) No principal reduction approx \$50,000 plus \$233,000 - ~~unpaid~~

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☐

If specific performance cannot be granted, damages in the amount of \$ \_\_\_\_\_

(Describe the damages you are requesting.)

☒

Other relief.

In addition to the previous damages the expense and loss of reputation from filing bankruptcy additional claim of \$500,000.  
The attorney Calvin T Christian must return all his fees in connection to the Mohorovich Loan, Christian represented Mohorovich and plaintiff a Conflict of Interest, 3 modifications \$3000 + Two Loans \$2000 = \$50,000 + 10% Int from 2015 - 2023 - Approx \$100,000 fees to be returned to plaintiff

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

X 2-6-23

Signature of Plaintiff

Printed Name of Plaintiff

K J Flynn

Kenneth J Flynn

B. For Attorneys

Date of signing:

KJ